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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,770	09/11/2000	Frank J. McConnell	SACO115537	4422

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EXAMINER

PASS, NATALIE

ART UNIT PAPER NUMBER

3626

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/658,770

Applicant(s)

MCCONNELL ET AL.

Examiner

Natalie A. Pass

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Notice to Applicant

1. This communication is in response to the application filed 11 September 2000. Claims 1-19 are pending.

Specification

2. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 3, 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitcham, U.S. Patent Number 5, 537, 315.

(A) As per claims 1-3, Mitcham teaches a method for providing an insurance policy via a distributed computing network (Mitcham; see at least Figure 1, Items 22, 30, 32, 34, 36, column 3, lines 30-61), comprising:

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receiving a request for a bindable premium quotation for an insurance policy (Mitcham; see at least Figures 3A -3G, Figure 4, Figure 12, Figure 13, column 4, lines 9-31, column 5, lines 1-4, 52-65, column 6, lines 53-60);

gathering underwriting information from one or more outside information resources based upon the identify of said individual (Mitcham; Figure 3G, column 7, lines 54-64);

determining whether said insurance policy may be underwritten (Mitcham; Figure 3G, column 8, lines 1-23); and

in response to determining that said insurance policy may be underwritten, calculating a premium for said insurance policy and providing said premium to a requestor of said premium quotation as a bindable insurance premium quotation (Mitcham; see at least Figure 13, Figure 14A, column 2, lines 2-15, column 4, lines 14-16, column 7, lines 51-65, column 8, lines 37-47), and further comprising:

receiving a request to purchase said insurance policy according to said bindable insurance premium quotation (Mitcham; see at least Figure 13, Figure 14A, column 2, lines 2-15, column 4, lines 22-25); and

in response to said request, re-intermediating an insurance agent and issuing said insurance policy (Mitcham; Figure 13, lines 32-34, column 1, lines 64-67, column 2, lines 9-14, column 4, lines 16-17, column 6, lines 19-24, column 8, lines 31-36, column 9, line 20 to column 10, line 8), and

wherein issuing said insurance policy comprises transmitting an electronic version of said insurance policy, or issuing the policy on-the-spot, to an individual insured by said insurance policy (Mitcham; Figure 4, column 3, line 61 to column 4, line 32)

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(B) As per claim 19, Mitcham teaches a computer-readable medium containing computer-executable instructions which, when executed by a computer, cause the computer to perform the method of Claims 1- 3 (Mitcham; see at least Figure 1 column 3, lines 30-61).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitcham, U.S. Patent Number 5, 537, 315 in view of CNA Customer Services State Sales Offices website, hereinafter known as CNA, URL:

<http://web.archive.org/web/20000311214508/www.cna.com/group/custserv/gr_state.html>, and

further in view of MostChoice Advisor website, hereinafter known as MostChoice, URL:

<http://web.archive.org/web/20000818065246/www.mostchoice.com/General/Advisor_Center/Why/G_Adv_Why_Overview.cfm>.

(A) As per claims 4-7, Mitcham teaches a method as analyzed and discussed in claims 1 and 2 above.

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Mitcham fails to explicitly disclose a method wherein re-intermediating an insurance agent comprises:

providing a list of available insurance agents, including providing a list of available insurance agents, said available insurance agents identified based upon their geographical proximity to said individual;

receiving the selection of a selected agent from the list of available insurance agents;
assigning said selected insurance agent to said insurance policy;
transmitting information regarding said individual and said insurance policy to said selected or assigned insurance agent; and

remitting a commission to said selected or assigned insurance agent,
wherein said assigned insurance agent comprises the geographically closest available insurance agent to said customer.

CNA teaches a method wherein re-intermediating an insurance agent comprises:
providing a list of available insurance agents, including providing a list of available insurance agents, said available insurance agents identified based upon their geographical proximity to said individual (CNA; pages 1-10);

receiving the selection of a selected agent from the list of available insurance agents by fax or e-mail or phone (CNA; pages 1-10)

transmitting information regarding said individual and said insurance policy to said selected insurance agent by fax or e-mail or phone (CNA; pages 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method for providing an insurance policy via a distributed computing

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network of Mitcham to include wherein re-intermediating an insurance agent comprises providing a list of available insurance agents, including providing a list of available insurance agents, said available insurance agents identified based upon their geographical proximity to said individual, receiving the selection of a selected agent from the list of available insurance agents and transmitting information regarding said individual and said insurance policy to said selected insurance agent, as taught by CNA, with the motivation of assisting and enabling customers to find the and utilize the information they need when purchasing insurance (CNA; pages 13, 16).

Mitcham and CNA do not explicitly disclose
assigning said selected insurance agent to said insurance policy including
assigning an insurance agent to said insurance policy based upon the geographical
proximity of said insurance agent to said individual;
transmitting information regarding said individual and said insurance policy to said
assigned insurance agent; and
remitting a commission to said selected or assigned insurance agent
wherein said assigned insurance agent comprises the geographically closest available
insurance agent to said customer.

MostChoice teaches
assigning said selected insurance agent to said insurance policy including
assigning an insurance agent to said insurance policy based upon the geographical
proximity of said insurance agent to said individual; (MostChoice; see at least pages 1, 3, 10);
transmitting information regarding said individual and said insurance policy to said
assigned insurance agent (MostChoice; see at least page 6); and

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remitting a commission to said assigned insurance agent(MostChoice; see at least page 8) wherein said assigned insurance agent comprises the geographically closest available insurance agent to said customer (MostChoice; see at least pages 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collective teachings of Mitcham and CNA to include assigning said selected insurance agent to said insurance policy and remitting a commission to said selected insurance agent wherein said assigned insurance agent comprises the geographically closest available insurance agent to said customer, as taught by MostChoice, with the motivation of educating and empowering potential customers to purchase insurance by connecting them with certified local advisors who are knowledgeable experts, don't let customers "fall through the cracks," are always available to answer questions, and can help customers get what they want without any pressure, and to entice the best agents (MostChoice; pages 1, 6, 8, 10).

(B) Claim 8 differs from claim 1 in that it is a system for providing an insurance policy via a distributed computing network rather than a method for providing an insurance policy via a distributed computing network.

As per claim 8, Mitcham, CNA and MostChoice teach a system for providing an insurance policy via a distributed computing network (Mitcham; see at least Figure 1, Items 22, 30, 32, 34, 36, column 3, lines 30-61), comprising:

a server computer maintaining a virtual insurance producer Web site available via said distributed computing network (CNA; pages 1-19), (MostChoice; pages 1-9) , and wherein said virtual producer Web site is operative to:

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receive a request for a bindable premium quotation for an insurance policy (Mitcham; see at least Figures 3A -3G, Figure 4, Figure 12, Figure 13, column 4, lines 9-31, column 5, lines 1-4, 52-65, column 6, lines 53-60);

receive information relating to the insurability of an individual to be insured by said insurance policy and information relating to the coverage to be provided by said insurance policy in response to said request (Mitcham; Figure 3G, column 7, lines 54-64), (MostChoice; pages 1-5);

gather underwriting information from one or more outside information resources based upon the identify of said individual (Mitcham; Figure 3G, column 7, lines 54-64);

determine whether said insurance policy may be underwritten (Mitcham; Figure 3G, column 8, lines 1-23), (MostChoice; page 3); and

to calculate a premium for said insurance policy and to provide said premium to a requestor of said premium quotation as a bindable insurance premium quotation (Mitcham; see at least Figure 13, Figure 14A, column 2, lines 2-15, column 4, lines 14-16, column 7, lines 51-65, column 8, lines 37-47), (CNA; pages 18-19), (MostChoice; pages 1-3, 8, 10).

The motivations for combining the respective teachings of Mitcham, CNA and MostChoice are as given in the rejection of claims 1 and 4 above, and incorporated herein.

(C) As per claims 9-13, Mitcham, CNA and MostChoice teach a system as discussed and analyzed in claim 8 above wherein said virtual producer Web site is further operative to:

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receive a request to purchase said insurance policy according to said bindable insurance premium quotation (Mitcham; see at least Figure 13, Figure 14A, column 2, lines 2-15, column 4, lines 22-25);

re-intermediate an insurance agent (CNA; pages 1-10), (MostChoice; see at least pages 1, 3, 6); and to

issue said insurance policy (Mitcham; Figure 4, Figure 13, lines 32-34, column 1, lines 64-67, column 2, lines 9-14, column 3, line 61 to column 4, line 32, column 4, lines 16-17, column 6, lines 19-24, column 8, lines 31-36, column 9, line 20 to column 10, line 8), and

wherein said virtual producer Web site is further operative to:

provide an interactive help system to a requestor of said insurance policy (MostChoice; see at least pages 1-4, 6, 8, 12);.and

wherein said interactive help system comprises an interactive chat facility or Advisor Connect service for providing real-time communication between said requestor of said insurance policy and an insurance help-desk representative (MostChoice; see at least pages 1-4, 6, 8, 11) and

wherein said interactive help system further comprises an e-mail facility for receiving an electronic mail message from said requestor of said insurance policy and transmitting said message to an insurance help-desk representative (CNA; pages 1-10), (MostChoice; see at least pages 1-4, 6, 8, 12) and

wherein said interactive help system further comprises a facility for notifying an insurance help-desk representative that said requestor of said insurance policy would like to receive a telephone call providing assistance (MostChoice; see at least pages 1-4, 6, 8, 11).

(D) As per claims 14-15, Mitcham, CNA and MostChoice teach a system as discussed and analyzed in claims 8 and 9 above wherein issuing said insurance policy comprises transmitting an electronic version of said insurance policy, or issuing the policy on-the-spot, to an individual insured by said insurance policy (Mitcham; Figure 4, column 3, line 61 to column 4, line 32) and wherein re-intermediating an insurance agent comprises:

providing a list of available insurance agents (CNA; pages 1-10);

receiving the selection of a selected agent from the list of available insurance agents (CNA; pages 1-10);

assigning said selected insurance agent to said insurance policy (MostChoice; see at least pages 1, 3, 10);

transmitting information regarding said individual and said insurance policy to said selected insurance agent by fax or e-mail or phone (CNA; pages 1-10), (MostChoice; see at least page 6); and

remitting a commission to said selected insurance agent (MostChoice; see at least page 8).

(E) As per claims 16-18, Mitcham, CNA and MostChoice teach a system as discussed and analyzed in claims 8, 9 and 14 above wherein re-intermediating an insurance agent comprises:

providing a list of available insurance agents, said available insurance agents identified based upon their geographical proximity to said individual (CNA; pages 1-10);

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receiving the selection of a selected agent from the list of available insurance agents by fax or e-mail or phone (CNA; pages 1-10);

assigning said selected insurance agent to said insurance policy, including

assigning an insurance agent to said insurance policy based upon the geographical proximity of said insurance agent to said individual; (MostChoice; see at least pages 1, 3, 10);

transmitting information regarding said individual and said insurance policy to said selected or assigned insurance agent by fax or e-mail or phone (CNA; pages 1-10), (MostChoice; see at least page 6); and

remitting a commission to said selected or assigned insurance agent (MostChoice; see at least page 8)

wherein said assigned insurance agent comprises the geographically closest available insurance agent to said customer (MostChoice; see at least pages 1, 3, 10).

(F) As per claim 19, Mitcham, CNA and MostChoice teach a computer-readable medium containing computer-executable instructions which, when executed by a computer, cause the computer to perform the method of Claims 4-7 (Mitcham; see at least Figure 1 column 3, lines 30-61).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied references Luchs et al., U.S. Patent Number 4, 831, 526, Bosco et al., U.S. Patent Number 5, 191, 522, Joao, U.S. Patent Number 6, 347, 302 and the article teach the environment of providing insurance policies online.

Luchs et al., U.S. Patent Number 4, 831, 526, teaches a computerized insurance premium quote request and policy issuance system.

Bosco et al., U.S. Patent Number 5, 191, 522, teaches an integrated insurance information processing and reporting system based upon an enterprise-wide data structure.

Joao, U.S. Patent Number 6, 347, 302, teaches an apparatus and method for processing lease insurance information.

Expanded Access To Insurance Information.. Report of Accomplishments 1995 – 1998. California Department of Insurance. March, 1999. [Retrieved on February 24, 2003] Retrieved from Internet. URL:

<http://web.archive.org/web/20000819132020/http://www.insurance.ca.gov/EXECUTIVE/Protecting_California's_Consumers/expanded.pdf>

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to: **(703) 305-7687.**

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For informal or draft communications, please label
"PROPOSED" or "DRAFT" on the front page of the
communication and do NOT sign the communication.

After Final communications should be labeled "Box AF."

Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

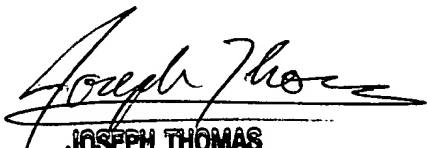
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Natalie A. Pass whose telephone number is (703) 305-3980. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (703) 305-9588. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

NP

Natalie A. Pass

February 24, 2003


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Recent Statutory Changes to 35 U.S.C. § 102(e)

On November 2, 2002, President Bush signed the 21st Century Department of Justice Appropriations Authorization Act (H.R. 2215) (Pub. L. 107-273, 116 Stat. 1758 (2002)), which further amended 35 U.S.C. § 102(e), as revised by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). The revised provisions in 35 U.S.C. § 102(e) are completely retroactive and effective immediately for all applications being examined or patents being reexamined. Until all of the Office's automated systems are updated to reflect the revised statute, citation to the revised statute in Office actions is provided by this attachment. This attachment also substitutes for any citation of the text of 35 U.S.C. § 102(e), if made, in the attached Office action.

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 in view of the AIPA and H.R. 2215 that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

35 U.S.C. § 102(e), as revised by the AIPA and H.R. 2215, applies to all qualifying references, except when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. For such patents, the prior art date is determined under 35 U.S.C. § 102(e) as it existed prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. § 102(e)).

The following is a quotation of the appropriate paragraph of 35 U.S.C. § 102 prior to the amendment by the AIPA that forms the basis for the rejections under this section made in the attached Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

For more information on revised 35 U.S.C. § 102(e) visit the USPTO website at www.uspto.gov or call the Office of Patent Legal Administration at (703) 305-1622